

## REMARKS

### **I. Status of Claims.**

Claims 1-25 are presently pending. Claims 1-25 stand rejected. Claims 3 and 6 have been cancelled by the present amendment because they contain duplicitous subject matter as amended claim 1. Claims 43-48 have been added to further define and emphasize Applicant's invention.

### **II. Claims 1-2, 5, 7, 9-15, 17-25 rejected under 35 USC 102 (b).**

The Examiner rejected claims 1-2, 5, 7, 9-15, 17-25 as being anticipated by Schreus et al. US Patent No. 2,815,760 (Schreus). The Examiner states that Schreus discloses all that is recited in the above rejected claims. Applicant respectfully suggests that the claims as amended are not anticipated by Schreus.

As has been clearly enunciated by the Federal Circuit: Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. Lindermann Maschinenfabrik GMBH v. American Hoist and Derrick Co., 221 USPQ 481, 485 (Fed Cir. 1984) (emphasis added). Here the requirement of showing each and every element of Applicant's claimed invention, as set forth in the above rejected claim 1, from which all other pending claims depend, has not been met. It is respectfully requested that this rejection be withdrawn.

### **III. Claims 3, 6, 8 and 16 are rejected under 35 USC 103 (a).**

The Examiner further rejected claims 3, 6, 8 and 16 under 35 USC 103 (a) as being unpatentable over Schreus in view of Eichel U.S. Patent No. 3,459,194 (Eichel). Claim 3 and 6 have been cancelled by the present amendment and their respective subject matter has been incorporated into currently amended claim 1. Claim 16 has been amended to place it in better form for examination.

The Examiner states that while Schreus may not disclose using a strongly basic anion exchange resin that is in bicarbonate form; a filter that further comprises methyl cellulose or moisture; a filter having ratio of filter material to tobacco in the range of from 1:2 to 1:10, Eichel

discloses a tobacco product incorporating a filter containing an ion exchange resin, designed to inhibit the adverse effects of tobacco smoke. The Examiner suggests that it would have been obvious to incorporate the components of Eichel into the filter of Schreus. Applicant respectfully traverses this rejection.

As the Examiner noted in her rejection, the filter of Schreus does not contain all that is present in Applicant's claimed invention. The Examiner seeks to combine the teachings of Eichel to cure the deficiencies of Schreus and to arrive at Applicant's claimed invention. However, the combined teachings of these two cited references do not arrive at Applicant's claimed invention.

In the instant case, neither cited reference contains a mixture of "a strongly acidic cation exchange resin" and "a strongly basic anion exchange resin in bicarbonate form" in the presence of "moisture". Since the presence of moisture within the inventive filter is not found in the art, it is fair to assume that in raising the obviousness rejection, the Examiner gleaned knowledge from Applicant's disclosure contrary to well-established legal principles. Applicant respectfully requests that the rejected claims be favorably reconsidered in light of well-established legal principles, which provide,

*"That one skilled in the art is not synonymous with obviousness.... That one can reconstruct and/or explain the theoretical mechanism of an invention by means of logic and sound scientific reasoning does not afford the basis for an obviousness conclusion unless that logic and reasoning also supplies sufficient impetus to have led one of ordinary skill in the art to combine the teachings of the reference to make the claimed invention" Ex parte Levengood, 28 USPQ 2d 1300 (Bd. Pat. App. & Inter. 1993).*

The particular combination of the cited references, which the Examiner makes in an attempt to arrive at the Applicant's invention, is neither taught nor suggested by either reference. The references, alone or in combination, because of the differences in the features of each as discussed above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the obviousness rejection. Furthermore, the combination that the Examiner suggests does not arrive at the Applicants' invention.

**III. Claim 4 is rejected under 35 USC 103 (a).**

The Examiner rejected claim 4 as being unpatentable over Schreus in view of Bavley et al. U.S. Patent No. 3,280,823 (Bavley). The Examiner states that while Schreus may not specifically state that the strongly acidic cation exchange resin is selected from the group consisting of Dowex 50 and Dowex 50-W, Bavley discloses a filter employing strong cation-type resins and discloses that Dowex 50-W is a known resin of such type and is suitable for use as an ion-exchange in its filter. Applicant respectfully traverses this rejection.

Applicant respectfully suggests that neither Schreus nor Bavley discloses a filter that contains a mixture of a strongly acidic cation exchange resin and a strongly basic anion exchange resin in bicarbonate form in the presence of “moisture”. Applicant respectfully suggests that the claim 1 as amended from which claim 4 depends is not made obvious by Schreus in view of Bavley and would therefore respectfully request that this rejection be withdrawn.

**IV. Claims 1-2, 5, 7, 9-15, 17-25 rejected under 35 USC 103 (a).**

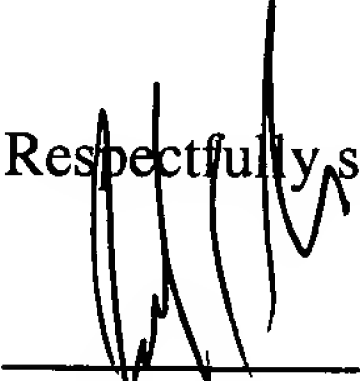
The Examiner rejected claims 1-2, 5, 7, 9-15, 17-25 as being unpatentable over Schreus. The Examiner states that while Schreus may not specifically recite the claimed threading arrangement of the filter cartridge it does state that the filter cartridge is designed so that it fits tightly into a hollow chamber of a holder, pipe, etc and therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to provide male-threading for use with female channel threading to secure the cartridge. Applicant respectfully traverses this rejection.

A complete reading of Schreus discloses no teachings or suggestions as to the means to secure the filter into place. Despite the obviousness assertion by the Examiner, she has not provided any reference having the configuration of Applicant’s claimed inventive filter. Further Schreus does not teach or suggest a filter that contains a mixture of “a strongly acidic cation exchange resin” and “a strongly basic anion exchange resin in bicarbonate form” in the presence of “moisture” having the configuration of the Applicant’s claimed inventive filters. Applicant respectfully requests that this rejection be withdrawn.

### CONCLUSION

The claims remaining within the application are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of this application is respectfully requested.

Respectfully submitted,



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